

**Rule 60 PATENT APPLICATION:**

### For Design or Utility Applications

( DO NOT USE FOR CIPs )

- ☐ Continuation )  
☒ Divisional ) application under 37 CFR 1.60

of pending prior application of \_\_\_\_\_

**Inventor(s): Eduardo J. MOURA and Jan M. GRONSKI**

Appln. No. 08/426920

series code ↑      ↑ serial no.

Filed: April 21, 1995

Title: ASYMMETRIC HYBRID ACCESS SYSTEM  
AND METHOD

Hon. Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Group Art Unit: 2603

Examiner: S. Hom.

Atty Dkt: 225019

New M# / Client Ref.

( Our Deposit Account No. 03-3975

( Our Order No. 7225 / 225019

C# / New M#

Date: August 27, 1996

(Parent Matter No. 217537 )

**Sir:**

**To effect the above-requested filing today:**

1. **Attached** is a true copy **(which must be filed)** of the prior application as **originally** filed, including:

- [ X ] Abstract

- ☒ Specification and claims (unamended clean copy) as originally filed (40 pages) (**must be**

attached)

- [ X ] Drawings (must be attached if originally filed): 20 sheet(s)/set: [ X ] 1 set informal;  
[ ] Formal of size [ ] A4 [ ] 13" [ ] 14"

- 1A. Always X one box, only:

1. ☒ Signed declaration or oath as originally filed in prior application attached  
2. ☐ NO Declaration or fee is enclosed; this is a filing under Rule 60(d).

**NOTE: No amendments (if any) referred to in the Oath/Declaration filed to complete the prior application introduced new matter.**

2. [ ] This Rule 60 application is hereby filed by less than all of the inventors named in the prior application. Petition is hereby made requesting deletion as inventor(s) of the following who is/are **not** inventor(s) of the invention being claimed in this Rule 60 application:

1. \_\_\_\_\_
  3. \_\_\_\_\_
  5. \_\_\_\_\_
  7. \_\_\_\_\_
  9. \_\_\_\_\_
2. \_\_\_\_\_
  4. \_\_\_\_\_
  6. \_\_\_\_\_
  8. \_\_\_\_\_
  10. \_\_\_\_\_

3. (RESERVED)

A

4. ☐ Priority is claimed under 35 U.S.C. 119/365 based on filing in \_\_\_\_\_ of \_\_\_\_\_ (country)

<u>Application No.</u>	<u>Filing Date</u>	<u>Application No.</u>	<u>Filing Date</u>
(1) _____	_____	(4) _____	_____
(2) _____	_____	(5) _____	_____
(3) _____	_____	(6) _____	_____

- a. ☐ \_\_\_\_\_ (No.) Certified copy/copies attached.  
 b. ☐ Certified copy/copies previously filed on \_\_\_\_\_ in  
 U.S. Application No. \_\_\_\_\_ / \_\_\_\_\_, filed on \_\_\_\_\_  
series code ↑ ↑ serial no.  
 c. ☐ Certified copy/copies filed during International stage of PCT/ \_\_\_\_\_ / \_\_\_\_\_  
 d. ☐ Priority is also claimed from PCT/ \_\_\_\_\_ / \_\_\_\_\_ filed \_\_\_\_\_

5. ☒ Prior application is assigned to Hybrid Networks, Inc.  
 by Assignment recorded April 21, 1995 Reel 7493 Frame 0486  
 (Date)

6. ☐ Attached is an Assignment and Cover Sheet.  
Please return the recorded Assignment to the undersigned.

7. ☒ The power of attorney in the prior application is to Lawrence Harbin, Reg. No. 27,644, Cushman Darby & Cushman, L.L.P.

(Name and Reg. No.)  
 whose current address is as in item 8 below.

- a. ☐ The power appears in the original papers of the prior application.  
 b. ☒ Since the new power does not appear in the original papers, a copy of the power in the prior application is attached.  
 c. ☐ Recognize as associate attorney \_\_\_\_\_  
 (Name, Reg. No. and Address)

8. Address all future communications to Cushman Darby & Cushman, L.L.P. Ninth Floor, East Tower  
 1100 New York Avenue, N.W., Washington, D.C. 20005-3918.

9. Amend the specification by inserting before the first line the sentence: This is a  
☐ continuation ☒ division of Application No. 08 / 426,920, filed April 21, 1995 Pat No 5,586,121  
series code ↑ ↑ serial no.

10. ☒ 1(No.) Verified Statement(s) establishing "small entity" status under Rules 9 & 27  
☒ filed in above prior application (and hence applicable hereto)  
☐ attached.

11. Petition to extend the life of the above prior application to at least the date hereof  
 (One box) ☐ is being concurrently filed in that prior application (Use Form CDC-111).  
 (must be) ☐ was previously filed in that prior application (Check length of prior extension).  
 (X'd) ☐ is not necessary for copendency ( Double check before X'ing this box).

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12. [ X ] **INFORMATION DISCLOSURE STATEMENT:** Attached is Form PTO-1449 listing all of the documents cited by Applicant and the PTO in the parent application(s) relied upon under 35 USC 120 and referenced in item 9 above. Per Rule 98(d) copies of those documents are not required now. Please consider those documents and advise that they have been considered in this new application as by returning a copy of the enclosed Form PTO-1449 with the Examiner's initials in the left column per MPEP 609.
13. [ ] Attached is a Rule 103(a) Petition to Suspend Action.
14. [ X ] **PRELIMINARY AMENDMENT to be entered before fee calculation:** (Do not make amendments here except for correction of improper multiple dependencies or cancellation of whole claims or multiple dependencies for purpose of reducing the filing fee per MPEP §§ 506 and 607; do not cancel all claims).
- ~~Cancel~~  
Cancel claims 1-20 and 22-25 without prejudice or disclaimer.

**FILING FEE**

**THE FOLLOWING FILING FEE IS BASED ON**

**->->->CLAIMS AS FILED AND CHANGED BY PRELIMINARY AMENDMENT IN ITEM 14<-<-<-<-**

**NOTE:** If box 1A2 is X'd, do not pay fees,  
but leave lines 15-22 and 27-32 blank.

see box 10 re: Large/Small Entity

**Free Code**

15. Basic filing fee ----- Design Appln. (\$310/\$155) \$ \_\_\_\_\_ (106/206)
16. Basic filing fee ----- Not Design Appln. (\$750/\$375) \$ 375.00 (101/201)
17. Total Effective Claims 1 minus 20 = \* 0 x \$22/\$11 = + -0- (103/203)
18. Independent Claims 1 minus 3 = \* 0 x \$78/\$39 = + -0- (102/202)

\* If answer is zero or less, enter "0"

- |     |  |  |
|-----|--|--|
| 19. | If <u>any</u> proper (ignore improper) multiple dependent claim remains, add - - - - - \$250/\$125 | + <u>  --  </u> (104/204)                      |
| 20. | - - - - - Subtotal   | \$ <u>375.00</u>                               |
| 21. | If "petition" box 13 above is X'd, - - - - - add petition fee (\$130.00)                           | + <u>  --  </u> (122)                          |
| 22. | <b>TOTAL FILING FEE ATTACHED</b>   | \$ <u>375.00</u><br>(carry forward to Item 31) |

23. [ X ] ATTACHED:

**SUPPLEMENTAL DECLARATION  
CERTIFICATE UNDER 37 CFR 3.73(b)**

24. [ X ] Preliminary Amendment attached (to be entered after assigning Appln. No.)
25. [ X ] The following PRELIMINARY AMENDMENT is to be entered after assigning Appln. No.:  
(PRELIMINARY AMENDMENT is attached)

26.

**ADDITIONAL FEE CALCULATION FOR  
PRELIMINARY AMENDMENT  
PER BOXES 24/25**

	Claims remaining after amendment	Highest number previously paid for	Present Extra	Additional Fee	
					<u>Large/Small Entity</u> <u>Fee Code</u>
27. Total Effective Claims	* <u>4</u>	minus ** <u>20</u>	= <u>0</u> x \$22/\$11 = \$ <u>-0-</u>		(103/203)
28. Independent Claims	* <u>3</u>	minus *** <u>3</u>	= <u>0</u> x \$78/39 = + <u>-0-</u>		(102/202)
29. If amendment enters proper multiple dependent claim(s) into this application for <u>first time</u> , add (per application) -----				\$250/125 + --	(104/204)
30.			ADDITIONAL FEE	\$ <u>-0-</u>	
31.			<u>plus</u> FEE from item 22 on page 3	+ <u>375.00</u>	
32.			<b><u>TOTAL FEE ATTACHED</u></b>	\$ <u>375.00</u>	

33.\*If the entry in this space is less than entry in the next space, the "Present Extra" results is "0".

34.\*\*If the "Highest number previously paid for" (see item 16 above) is less than 20, write "20" in this space.

35.\*\*\*If the "Highest number previously paid for" (see item 17 above) is less than 3, write "3" in this space.

**CHARGE STATEMENT:** Upon the filing of a Declaration pursuant to Rule 60(b) or 60(d), the Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficient fee only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown in the heading hereof for which purpose a duplicate copy of this sheet is attached.

**This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.**

CUSHMAN DARBY & CUSHMAN, L.L.P.

①

~~1100 New York Avenue, N.W.~~  
~~Ninth Floor, East Tower~~  
~~Washington, D.C. 20005-3918~~  
Tel: (202) 861-3000

By Atty: Lawrence Harbin Reg. No. 27,644

Sig:  Fax: (202) 822-0944  
Tel.: (202) 861-3716

Atty/Sec: LH:er

**NOTE No. 1:** File this Request in duplicate with 2 postcard receipts (CDC-103) & attachments.

**NOTE No. 2:** Is extension in parent necessary for copendency? DOUBLE CHECK Item 11 above.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of 38

MOURA et al.

Appln. No.: (not yet assigned)  
(Divisional of 08/426,920  
filed April 21, 1995)

Group Art Unit: 2603

Filed: August 20, 1996

Examiner: S. Hom

Title: ASYMMETRIC HYBRID ACCESS SYSTEM  
AND METHOD

\* \* \* \* \*

August 27, 1996

DRAWING CHANGE AUTHORIZATION REQUESTHon. Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

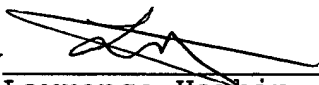
Sir:

It is respectfully requested that Applicants be  
permitted to amend Figures 3, 7, 8, 10, 12, 15 and 16 as indicated  
in red on the attached sheets.

Respectfully submitted,

CUSHMAN DARBY &amp; DARBY, L.L.P.

By

  
Lawrence Harbin

Reg. No. 27,644

Tel: (202) 861-3716

Fax: (202) 822-0944

LH:er

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